

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO WORTH DIVISION

KEN MCFARLAND,

Plaintiff,

v.

C.A. No.: 5:21-cv-1078

RND HOSPITALITY, LLC,  
and REKHA SADANI,

Defendants.

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, KEN MCFARLAND (hereinafter sometimes referred to as “Plaintiff”), by and through his undersigned counsel, sues Defendants, RND HOSPITALITY, LLC, and REKHA SADANI (hereinafter sometimes collectively referred to as “Defendants”), and in support thereof states as follows:

**INTRODUCTION**

1. This is an action by Plaintiff against his employers for unpaid wages pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. § 201, *et seq.* Plaintiff seeks damages for unpaid overtime, liquidated damages, and a reasonable attorney’s fee and costs.

**JURISDICTION**

2. This claim is properly before this Court pursuant to 28 U.S.C. § 1331,

as this claim arises under federal law, and by the private right of action conferred in 29 U.S.C. § 216(b).

### **VENUE**

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) because Defendant, RND HOSPITALITY, LLC, has offices Bexar County, Texas.

### **THE PARTIES**

4. Plaintiff, KEN MCFARLAND, is an individual residing in Bexar County, Texas.

5. Plaintiff, KEN MCFARLAND, was employed by Defendants from on or about March 19, 2019, until November of 2020 as a maintenance worker, at the regular rate of \$9.00 per hour for all hours worked. Beginning in February of 2020, Plaintiff was compensated at the rate of \$2,300.00 a month. Plaintiff's principle duties were to maintain and repair items as necessary at Defendants' 152 room hotel.

6. Plaintiff's job activities included such handling air conditioner parts, drywall and other products that have been manufactured for interstate commerce.

7. Defendant, RND HOSPITALITY, LLC, is a domestic limited liability company organized under the laws of the State of Texas and maintains offices in Bexar County, Texas.

8. Defendant, RND HOSPITALITY, LLC, is a company that is primarily engaged in the operations of hotels, and is a covered employer as defined by 29 U.S.C. § 203(d).

9. Defendant, RND HOSPITALITY, LLC, has two or more employees and sales or business done in excess of \$500,000.00 per year.

10. Defendant, REKHA SADANI, is an individual residing in Bexar County, Texas.

11. Defendant, REKHA SADANI, is an individual who at all times relevant to this matter acted directly or indirectly in the interest of Defendant, RND HOSPITALITY, LLC, in relationship to Plaintiff's employment; therefore, is a joint employer as defined by 29 U.S.C. § 203(d).

12. Defendant, REKHA SADANI, (1) possessed the power to hire and fire Plaintiff, (2) supervised and controlled employee work schedules or conditions of employment of Plaintiff, (3) determined the rate and method of payment to Plaintiff, and (4) maintained employment records of Plaintiff.

13. At all times material to this Complaint, Defendants were the employer of the Plaintiff, and as a matter of economic reality, Plaintiff was dependent upon Defendants for his employment.

**VIOLATION OF THE OVERTIME PROVISIONS OF  
THE FAIR LABOR STANDARDS ACT**

14. Plaintiff 1) occupied the position of maintenance worker; 2) did not

hold a position considered as exempt under the FLSA; and, 3) was paid, at times, on an straight hourly basis.

15. Defendants' management required Plaintiff to work in excess of 40 hours in a workweek.

16. Throughout the employment of Plaintiff, Defendant repeatedly and willfully violated Sections 7 and 15 of the Fair Labor Standards Act by failing to compensate Plaintiff at a rate not less than one and one-half times his regular rate of pay for each hour worked in excess of 40 in a workweek.

17. Specifically, Plaintiff was never paid any additional half-time premium for the work performed for Defendants that was in excess of 40 hours in a workweek.

18. The work schedules for the Plaintiff required him to work in excess of 40 hours in a workweek on a regular and recurring basis during numerous workweeks.

19. Plaintiff estimates that he worked 75 hours per week on a regular and recurring basis while employed by Defendants.

20. Plaintiff worked numerous workweeks wherein he worked in excess of 40 hours in workweek but was only paid his regular hourly rate for all hours worked.

21. Defendant's policy of not properly paying overtime was willful.

22. Defendant either knew about or showed reckless disregard for the matter of whether its conduct was prohibited by the FLSA and failed to act diligently

with regard to its obligations as employers under the FLSA.

23. Defendant failed to act reasonably to comply with the FLSA, and so Plaintiff is entitled to an award of liquidated damages in an equal amount as the amount of unpaid overtime pay pursuant to 29 U.S.C. § 216(b).

24. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid that should have been paid.

25. Plaintiff is entitled to an award of reasonable and necessary attorneys' fees, costs, expert fees, mediator fees and out-of-pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff, KEN MCFARLAND, demands Judgment against Defendants, jointly and severally liable, for the following:

- a. Awarding Plaintiff compensatory damages, attorneys' fees and litigation expenses as provided by law;
- b. Awarding Plaintiff pre-judgment interest as provided by law, should liquidated damages not be awarded;
- c. Awarding Plaintiff liquidated damages and/or statutory penalties as provided by law;
- d. Awarding Plaintiff such other and further relief as the Court deems just and proper.

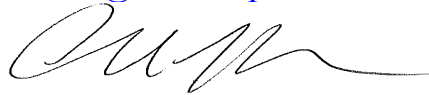
**JURY TRIAL DEMAND**

Plaintiff, KEN MCFARLAND, demands a jury trial on all issues so triable.

Respectfully submitted this November 3, 2021

**ROSS • SCALISE LAW GROUP**

1104 San Antonio Street  
Austin, Texas 78701  
(512) 474-7677 Telephone  
(512) 474-5306 Facsimile  
[Charles@rosslawpc.com](mailto:Charles@rosslawpc.com)

A handwritten signature in black ink, appearing to read 'D. Ross', is written over a horizontal line.

Texas Bar No. 24064621

**DANIEL B. ROSS**

Texas Bar No. 789810

**ATTORNEYS FOR PLAINTIFF**